

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-THIRD LEGISLATURE

TWENTY-THIRD LEGISLATIVE DAY
TUESDAY, FEBRUARY 2, 2016

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.
Absent – Barbieri, Kauffman. Total – 2.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by TJ Ruiz, Page.

3RD ORDER

Approval of Journal

February 2, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-second Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

4TH ORDER

Consideration of Messages from the Governor and the Senate

February 1, 2016

Mr. Speaker:

I transmit herewith [S 1210](#) which has passed the Senate.

NOVAK, Secretary

[S 1210](#) was filed for first reading.

February 1, 2016

Mr. Speaker:

I return herewith [H 342](#) and [H 349](#) which have passed the Senate.

NOVAK, Secretary

[H 342](#) and [H 349](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

5TH ORDER

Report of Standing Committees

February 2, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 428](#), [H 429](#), [H 430](#), and [H 431](#).

WILLS, Chairman

[H 428](#) was referred to the Education Committee.

[H 429](#) and [H 430](#) were referred to the Judiciary, Rules, and Administration Committee.

[H 431](#) was referred to the Revenue and Taxation Committee.

February 1, 2016

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 387](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 387](#) was filed for second reading.

February 1, 2016

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 371](#) and recommend that it do pass.

BARBIERI, Chairman

[H 371](#) was filed for second reading.

February 1, 2016

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 378](#) and recommend that it do pass.

RAYBOULD, Chairman

[H 378](#) was filed for second reading.

February 2, 2016

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [H 377](#) and recommend that it do pass.

HARTGEN, Chairman

[H 377](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

7TH ORDER

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 30

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND
HONORING IDAHO AUTHOR ANTHONY DOERR FOR HIS
AWARD-WINNING WORK.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Anthony Doerr was born and raised in Cleveland, Ohio, and went on to earn his Master of Fine Arts from Bowling Green State University in Ohio; and

WHEREAS, Anthony Doerr has worked and lived around the world, including Italy, Africa, and New Zealand, but has chosen to make his home in Idaho, along with his wife and children; and

WHEREAS, Anthony Doerr was the writer-in-residence for the State of Idaho from 2007 to 2010; and

WHEREAS, he has been the recipient of a 2010 Guggenheim Fellowship and a National Endowment for the Arts Fellowship; and

WHEREAS, his works include "Memory Wall," "The Shell Collector," "About Grace," "Four Seasons in Rome," "The Deep," and "All the Light We Cannot See"; and

WHEREAS, Anthony Doerr's short stories, essays and novels have earned literary acclaim, including the 2015 Pulitzer Prize for Fiction, the 2015 Andrew Carnegie Medal for Excellence in Fiction, the 2014 Goodreads Choice Awards for Best Historical Fiction, the 2010 Story Prize, four O. Henry Prizes, the Barnes and Noble Discover Prize, the Rome Prize, the New York Public Library's Young Lions Award, the Alex Award from the American Library Association, the National Magazine Award for Fiction, four Pushcart Prizes, two Pacific Northwest Book Awards, four Ohioana Book Awards, and the United Kingdom's Sunday Times EFG Short Story Award; and

WHEREAS, Anthony Doerr is the first Idaho resident to win the Pulitzer Prize while living in Idaho; and

WHEREAS, despite Anthony Doerr's many and notable achievements, he remains a humble and well-liked man, who advises others to "write about what amazes you."

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we congratulate Anthony Doerr for winning the 2015 Pulitzer Prize for Fiction, as well as being a finalist for the 2014 National Book Award, for his novel "All the Light We Cannot See," and we further honor and commend Anthony Doerr for his contributions to the literary world and wish him continued success.

HCR 30 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

8TH ORDER

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 432 BY BUSINESS COMMITTEE AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-612, IDAHO CODE, TO DEFINE TERMS AND TO REVISE THE PROCEDURE FOR HOW INSURANCE POLICIES ARE VALUED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-1927, IDAHO CODE, TO DEFINE A TERM AND TO PROVIDE NONFORFEITURE STANDARDS; AND AMENDING SECTION 74-107, IDAHO CODE, TO PROVIDE THAT CERTAIN INFORMATION SUBMITTED TO INSURANCE COMPANIES SHALL BE EXEMPT FROM DISCLOSURE AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 433 BY BUSINESS COMMITTEE AN ACT

RELATING TO THE LICENSURE OF MASSAGE THERAPISTS; AMENDING SECTION 54-4003, IDAHO CODE, TO ALLOW FOR COMPENSATION OF MASSAGE THERAPY STUDENTS AS PART OF A TUITION WORK-OFF PROGRAM WHERE SUCH PROGRAM HAS BEEN ESTABLISHED BY THE INSTITUTION TEACHING STUDENTS MASSAGE THERAPY AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 434 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE AN ACT

RELATING TO COURTS; AMENDING CHAPTER 16, TITLE 1, IDAHO CODE, BY THE ADDITION OF A NEW

SECTION 1-1626, IDAHO CODE, TO DEFINE TERMS AND TO PROVIDE FOR PRIORITY AND ORDER OF PAYMENTS OF DEBTS IN CRIMINAL CASES; AMENDING SECTION 19-5302, IDAHO CODE, TO REMOVE A PROVISION REGARDING PRIORITY OF PAYMENT; AMENDING SECTION 72-1025, IDAHO CODE, TO REMOVE A PROVISION REGARDING PRIORITY OF PAYMENT; AND AMENDING SECTION 72-1105, IDAHO CODE, TO REMOVE A PROVISION REGARDING PRIORITY OF PAYMENT.

HOUSE BILL NO. 435 BY COMMERCE AND HUMAN RESOURCES COMMITTEE AN ACT

RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-432, IDAHO CODE, TO PROVIDE THAT NEITHER AN EMPLOYER NOR A SURETY SHALL BE REQUIRED TO PAY FOR MEDICAL SERVICES IN AMOUNTS EXCEEDING THOSE PROVIDED IN ANY MEDICAL REGULATION OR FEE SCHEDULE PROMULGATED BY THE INDUSTRIAL COMMISSION AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 436 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO IDAHO DAY; AMENDING SECTION 73-108C, IDAHO CODE, TO REVISE THE DAY OF CELEBRATION FOR IDAHO DAY IF MARCH 4 FALLS ON A SATURDAY OR SUNDAY.

H 432, **H 433**, **H 434**, **H 435**, and **H 436** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1210, by Education Committee, was introduced, read the first time by title, and referred to the Education Committee.

There being no objection, the House advanced to the Tenth Order of Business.

10TH ORDER Second Reading of Bills and Joint Resolutions

H 403, by Appropriations Committee, was read the second time by title and filed for third reading.

H 335, **H 336**, **H 337**, **H 338**, **H 339**, and **H 340**, by Health and Welfare Committee, were read the second time by title and filed for third reading.

H 380, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

S 1207, by Finance Committee, was read the second time by title and filed for third reading.

11TH ORDER Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that beginning Tuesday, February 2, 2016, legislation on the Third Reading Calendar be placed in the following order: House bills, Senate bills, Senate joint memorials, concurrent resolutions, and joint resolutions. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that [H 372](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

[H 384](#) - APPROPRIATIONS - SECRETARY OF STATE

[H 384](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Youngblood to open debate.

The question being, "Shall [H 384](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 66.

NAYS – Clow, Nate. Total – 2.

Absent – Barbieri, Kauffman. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 384](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 362](#) - RETAIL SALE OF LIQUOR BY THE DRINK

[H 362](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Wintrow to open debate.

The question being, "Shall [H 362](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 67.

NAYS – Sims. Total – 1.

Absent – Barbieri, Kauffman. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 362](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 379](#) - EDUCATION

[H 379](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. DeMordaunt to open debate.

The question being, "Shall [H 379](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 66.

NAYS – McMillan, Scott. Total – 2.

Absent – Barbieri, Kauffman. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 379](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 359](#) - PROPERTY TAXES

[H 359](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Chaney to open debate.

The question being, "Shall [H 359](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Barbieri, Kauffman. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 359](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 360](#) - PROPERTY TAXES

[H 360](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Anderst to open debate.

The question being, "Shall [H 360](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry,

Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker.
Total – 68.

NAYS – None.

Absent – Barbieri, Kauffman. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 360](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Fifteenth Order of Business.

15TH ORDER

Announcements

Announcements were made to the body.

16TH ORDER

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, February 3, 2016. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:29 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk